



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA CITY HALL
3939 N. DRINKWATER BOULEVARD
NOVEMBER 3, 2005
APPROVED REGULAR SESSION MINUTES**

PRESENT: Kevin Osterman, Council Member
E.L. Cortez, Vice Chairman
James Heitel, Commission Member
Michael D'Andrea, Design Member
Kevin O'Neill, Design Member
Michael Schmitt, Design Member
Jeremy A. Jones, Design Member

STAFF: Donna Bronski
Mac Cummins
Tim Curtis
Lusia Galav

CALL TO ORDER

The regular session of the Scottsdale Development Review Board was called to order by Councilman Osterman at 1:04 p.m.

ROLL CALL:

A roll call confirmed the presence of Board Members as noted above.

OPENING STATEMENT

Councilman Osterman read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTE APPROVAL

October 20, 2005 DRB Study Session Minutes
October 20, 2005 DRB Regular Session Minutes

**VICE-CHAIRMAN CORTEZ MOVED APPROVAL OF THE MINUTES FOR THE
OCTOBER 20, 2005 STUDY SESSION AND REGULAR MEETING. COMMISSIONER**

APPROVED 11/17/2005 - bdf

HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

CONSENT AGENDA

3. 3-PP-2005 Esperanza

BOARD MEMBER JONES MADE A MOTION TO MOVE 3-PP-2005, ESPERANZA TO THE REGULAR AGENDA. THE MOTION WAS SECONDED BY VICE-CHAIRMAN CORTEZ AND CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

4. 4-DR-2005#3 Taneko Tavern at the Borgata
Site Plan & Elevations
6166 N. Scottsdale Road
P.F. Chang's China Bistro,
Architect/Designer

Ms. Terri Welsz addressed the Board regarding the current status of the Borgata.

BOARD MEMBER JONES MOVED FOR APPROVAL OF CASE NUMBER 4-DR-2005#3, TANEKO TAVERN AT THE BORGATA. VICE-CHAIRMAN CORTEZ SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

REGULAR AGENDA

3. 3-PP-2005 Esperanza
Preliminary Plat
NEC Jomax Road & 94th Street
LVA Urban Design Studio LLC,
Architect/Designer

Mr. Curtis presented the case. Highlights of the PowerPoint presentation included aerial photos and an explanation of the proposed building envelopes for lots 14 through 17. Homes would not be built on the hillside, but the developer is proposing private trails on the hillside leading to a patio area.

Board Member D'Andrea questioned if the Traffic Department has reviewed the case. Mr. Curtis explained there are no plans to build a road. Land was dedicated to provide legal access to the land to the north.

Board Member O'Neill asked about space for a future gatehouse. Mr. Curtis confirmed that the gatehouse is not part of the current application.

Vice-Chairman Cortez requested clarification about the hillside ordinance and the proposed plans. Mr. Curtis stated that the hillside ordinance does not play a role in the application, although the hillside land reform does play a role. The land is zoned R1-90 ESL. The southeast corner of the property is a hillside land reform. The building envelopes are outside of the hillside land reform. The developer is proposing private trails leading to private patio space. This is permitted under the ordinance.

In response to a query from Vice-Chairman Cortez, Mr. Curtis stated that the amended development standards do not apply to the hillside development.

In response to inquiry by Commissioner Heitel regarding permissible structures, Mr. Curtis reported that the Applicant has suggested that lots 14 and 17 could have a cabana, which would be permitted. Board Member D'Andrea suggested that "cabana" be defined.

In response to a question from Board Member O'Neill, Mr. Curtis explained that the hillside ordinance is separate from the Environmentally Sensitive Lands Ordinance. Density is regulated according to the slope.

Councilman Osterman invited comments from citizens. Ms. Elizabeth Ogden completed a comment card but preferred not to speak. Mr. Tony Nelssen is in favor of the project but did not wish to speak. Mr. Lee Lieberman expressed favor for the project, but wished to reserve his comments until hearing the Applicant's presentation.

Mr. Steven Voss, Architect with LVA Urban Design Studio, addressed the Board regarding various issues and concerns relative to the project. He clarified that the project is in the area covered by the Environmentally Sensitive Lands Ordinance. It is not covered by the Hillside Ordinance. Cabanas are limited to 24 feet square in size. Lots 14 and 17 are at lower slopes than lots 15 and 16, which are restricted from having any structures on the hillside.

Mr. Voss clarified that stipulation 1D regarding the NAOS dedication would state at the end of the stipulation: "This shall include the additional NAOS provided on each lot at the time of building permits."

He further clarified that the access to the north from the end of the cul-de-sac is for emergency use only and was requested by the Fire Department. The trail across the site that goes to Pima Road will remain unaffected. The developer will construct a portion of an additional trail.

Commissioner Heitel congratulated the Applicant for bringing the project in and expressed support for 1D stipulation.

Mr. Lieberman indicated that the Applicant had answered his questions.

COMMISSIONER HEITEL MOVED TO APPROVE 3-PP-2005, WITH THE ADDED CLARIFICATION THAT THE APPLICANT'S REPRESENTATIVE INDICATED ON STIPULATION 1D AND ALSO CLARIFYING THAT ON LOTS 14 THROUGH 17 THE PATHWAYS AND OVERLOOK AREAS BE LIMITED TO INDIGENOUS GRANITE AND CABANAS, WHICH WOULD BE DEFINED AS 24 FEET BY 24 FEET MAXIMUM OPEN-SIDED, NON AIR-CONDITIONED SHADE STRUCTURES. VICE-CHAIRMAN CORTEZ SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

5. 23-DR-2005 Scottsdale Municipal Airport Parking Lot Expansion
 Site Plan & Elevations
 15000 N. Airport Drive
 Tornow Design Associates, Architect/Designer

Mr. Curtis presented the case per the staff packet. Highlights of the presentation included aerial photos and the site plans. Mr. Curtis highlighted changes made to the project pursuant to the Board's suggestions.

Board Member O'Neill requested clarification regarding the existing sidewalks in the parking lot. Mr. Read explained that one sidewalk was removed.

Mr. Read highlighted the proposed changes to the landscaping plan. Airport management agrees with the Board's comments about the need to improve the appearance of the main approach area. They have several ideas in mind which they would like to finalize and bring back before the Board.

BOARD MEMBER JONES MOVED TO APPROVE CASE 23-DR-2005, SCOTTSDALE MUNICIPAL AIRPORT PARKING LOT EXPANSION, WITH THE PROVISION THAT THE BOARD WILL REVIEW FUTURE ENHANCEMENTS TO THE PROJECT AS A GATEWAY SYMBOL. BOARD MEMBER O'NEILL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

6. 73-DR-2005 PHO-Troon - Stealth Cactus WCF
Wireless Communication Facility
On 115th Street between 115th Way and Troon Mountain Drive
KDC Architects, Architect/Designer

Mr. Curtis presented the case per the staff packet. Highlights of the PowerPoint presentation included aerial photos depicting the site and an enlarged site plan. He acknowledged public opposition to the case and noted that the faux cactus is a preferred solution in remote areas.

Upon inquiry by Commissioner Heitel regarding ownership of the right-of-way that the cactus is to be placed on, Mr. Curtis explained that the land belongs to the City, which has made available its rights-of-way to allow for wireless facilities.

Board Member Schmitt inquired about agreements between the City and various wireless companies. Ms. Bronski explained that the City encourages the wireless facilities to go into the areas that will have the least impact on residential property.

Vice-Chairman Cortez asked whether an underground vault had been considered for this location. Mr. Curtis deferred the response to the Applicant.

Mr. James Bisbey addressed the Board. He expressed opposition to the project, voicing safety concerns.

Mr. Curtis informed the Board that the Transportation Department is in agreement with the proposal.

Mr. Dennis Goad expressed opposition toward the proposed project due to safety concerns and concerns for area wildlife.

Mr. Marko Koski addressed the Board and reiterated traffic concerns. Board Member

D'Andrea queried the speed limit. Mr. Koski replied that it is posted at 25 miles per hour, although many drivers exceed the limit.

Mr. Gary Bates presented arguments for points stated by previous citizens and expressed favor for the project, stating that he would like cellular coverage in his home.

Ms. Carla Whitten expressed opposition to the project, noting commercial zoning as her concern.

Ms. Manjula Vaz addressed the Board on behalf of the Applicant, noting that over 20 possible sites for this tower had been considered and this site represents the best solution.

Mr. Kevin Howell, representing Verizon wireless, presented an overview of the history related to development of the wireless ordinance, and a general overview of cellular coverage issues in the area.

Mr. Howell addressed Vice Chairman Cortez's question by explaining the problems associated with underground vaults. He specifically highlighted the vault Verizon had at Troon Country Club that ultimately had to be removed due to the challenges of cooling the vault. Mr. Howell addressed various comments made by citizens.

Commissioner Heitel asked about traffic problems created by service trucks. Mr. Howell conceded that past practices had inadvertently broken HOA rules in the past, but current procedures stress that one finds a suitable location if service trucks need to be parked for an extended period of time and service personnel should walk to site.

In response to a question by Commissioner Heitel, Mr. Howell explained that noise from the HVAC system should not be an issue.

Board Member Jones expressed concern regarding the appearance of the faux cactus. Mr. Howell presented a photo from an installation in the Santa Catalina Mountains north of Tucson, noting that each cactus is made to order and designed to fit into its surroundings. Faux rock is prohibited by the ordinance.

Councilman Osterman commented that the aerial map in the packet shows the correct location. He asked Mr. Howell about the material and design of the utility box. Mr. Howell explained that Verizon is proposing to use what had already been approved, but would be open to other designs and materials. Ms. Vaz noted that there are 14 examples of the current design installed in north Scottsdale, none of which have been involved in traffic accidents.

Board Member D'Andrea commented that although the attraction of the neighborhood is its relatively unspoiled atmosphere, he understands that people want wireless service. He agrees with the gentleman who said that it seems like the wrong spot. He suggested that the City should review the Hillside Guidelines with a view to perhaps permitting faux rocks on hillsides. Ms. Vaz argued that the right-of-way is already disturbed and the hillside has Natural Area Open Space designation.

Board Member O'Neill commented that there has been an extremely large number of citizen comments. Many are in support of the project. Public participation in today's

meeting did not reflect the level of support for the proposal. He requested confirmation from staff that the DRB is being asked to approve site plan and elevations, not entitlement or zoning.

Board Member Jones said that a non-legal response to that question was that location and appearance were linked issues. He concurred with Board Member D'Andrea's comment, which basically was that although the Applicant followed the process of public consultation, the process did not work in this situation. The Board needs to take a broader look at how these issues are resolved and to find a way to work with the Homeowner's association. Board Member Jones is not in favor of this particular site.

Board Member O'Neill requested a staff response to his question. Ms. Bronski stated that the application before the Development Review Board is based on all criteria 1.900 of the zoning ordinance, which is the normal criteria and further noted that whether or not this is definitely the best location in the City is arguably outside of the question before the Board, as was raised by Board Member O'Neill.

Board Member O'Neill thanked Ms. Bronski her for her input and stated that many of the issues surrounding this case are longer-term big-picture issues. The questions raised by Board Members D'Andrea and Jones are great questions, but not necessarily for the Development Review Board. He therefore, will be supporting the application.

Councilman Osterman reminded the Board that their review relates to design matters and does not include consideration of zoning or other ordinance provisions.

Noting the second question regarding the design issue, Board Member O'Neill stated a preference for the metal cabinet look as opposed to the ocotillo screen.

Commissioner Heitel stated that Scottsdale, as a City, has recognized the necessity of wireless communication in this modern age and the citizens in this community and the wireless companies have spent years and years hammering out an ordinance. He further stated that the ordinance has some flaws to it, but this was a protracted process and he can attest to sitting through hours and hours of testimony when this wireless proposal came through. That is what the City has essentially handcuffed the wireless communications people to.

Commissioner Heitel expressed disappointment, noting that this is a prime example where the Homeowners Association could have solved this problem. He opined that the Applicant is here today because the Association has played duck and cover. He remarked that the intent of the ordinance was to provide rules and regulations, and opined that the Homeowners Association has multiple HOA-owned tracts in that huge development that could have accommodated these people, but chose instead to throw them out the door. As a result, the Applicant is seeking approval to install facilities in the right-of-way. Commissioner Heitel remarked that he doesn't see any safety issues; this location is on the outside of a horizontal curve. The Applicant has done as well as they can to provide wireless coverage. He supports the application.

Board Member Schmitt commented that if people took this approach to everything, homeowners would not have cable television or even maybe a land-line telephone. He acknowledged the raised safety concerns and opined that the safety of carrying a cell phone outweighs any danger from placing a cabinet on a curve. The Applicant has gone

way out of their way and taken extraordinary measures in this case. Other communications and utility companies do not take these steps. He favors the installation, which he sees as part of the public infrastructure.

BOARD MEMBER HEITEL MOVED TO APPROVE CASE 73-DR-2005. BOARD MEMBER SCHMITT SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF 5 (FIVE) TO 2 (TWO), WITH BOARD MEMBERS JONES AND D'ANDREA DISSENTING.

ADJOURNMENT

With no further business to discuss, the regular session of the Scottsdale Development Review Board adjourned at 2:46 p.m.

Respectfully submitted,
A/V Tronics, Inc.